

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-13 were pending in the application, of which Claims 1, 9, 11-13 are independent. In the Office Action dated January 13, 2004, Claims 1, 3, 4, 7, 9, and 11-13 were rejected under 35 U.S.C. §102(b) and Claims 2, 5, 6, 8, and 10 were rejected under 35 U.S.C §103(a). Applicants hereby address the Examiner's rejections in turn.

I. Rejection of the Claims Under 35 U.S.C. § 102(b)

In the Office Action dated January 13, 2004, the Examiner rejected Claims 1, 3, 4, 7, 9, and 11-13 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,418,852 ("*Itami*"). Claims 1, 9, and 11-13 have been amended, herein, and Applicants respectfully submit that these amendments overcome this rejection and add no new matter.

Amended Claims 1, 9, 11, 12, and 13 are each patentably distinguishable over the cited art in that they respectively recite, for example, "superimposing an identification information onto data comprising a presentation target data", "superimposing an identification information onto data comprising the error-correction-encoded presentation target data", "an identification information superimposed onto data comprising presentation target data", "an identification information superimposed onto data comprising presentation target data", and "superimposing an identification information onto data comprising the encoded presentation target data."

Itami merely discloses storing an ID data in a field intended for another purpose. According to *Itami*, an optical disk may be divided into 11,313 tracks, with each track having 24 sectors. (See FIG. 2.) In a normal mode, a user may access only a portion of the total available tracks. (See col. 1, lines 56-59.) For example, a user may access only 9,994 tracks (comprising tracks 3 through 9996) of the 11,313 available tracks. (See col. 1, lines 42-60, FIG. 2.) Furthermore, according to *Itami*, each sector in each track (user accessible or not) may include a data field and a corresponding error correction code (ECC) field. (See col. 14, lines 50-65, FIG. 25.) *Itami* discloses recording, in a user accessible sector's ECC field, an ID data. (See col. 14, lines 56-59.) *Itami*'s ID data from the optical disk may be compared to a true ID data stored in a computer register. If the ID data from the optical disk matches the true ID data, then the optical disk may be a lawful copy. (See col. 13, lines 17-62.)

In contrast to the claimed invention, *Itami* does not disclose identification information superimposed onto data comprising a presentation target data, rather *Itami* merely discloses storing an ID data in a field intended for another purpose. In the first place, *Itami*'s ECC field does not comprise presentation target data, for example, data corresponding to an audio signal, video signal, or any other content type data. Furthermore, the data in *Itami*'s ECC field does not comprise any data type (presentation target data or other wise) with identification information superimposed into that same data. The ID data stored in *Itami*'s ECC is just that, mere ID data alone. *Itami* does not disclose an identification information and a presentation target data both being stored in the very same data field. In other words, the ID data stored in *Itami*'s ECC field does not simultaneously contain two types of data, identification information

and presentation target data configured to be stored, for example, in the same data register. (An example of such superimposed data is shown at least in FIG. 2, step (d), and is supported by the corresponding discussion in the specification of the present application.)

In short, *Itami* does not anticipate the claimed invention because *Itami* at least does not disclose: i) "superimposing an identification information onto data comprising a presentation target data", as recited by amended Claim 1; ii) "superimposing an identification information onto data comprising the error-correction-encoded presentation target data", as recited by amended Claim 9; iii) "an identification information superimposed onto data comprising presentation target data", as recited by amended Claims 11 and 12; and iv) "superimposing an identification information onto data comprising the encoded presentation target data", as recited by amended Claim 13. Furthermore, *Sako et al.* ("Sako") EPO 794496 A1, does not overcome *Itami*'s deficiencies because it at least does not disclose or suggest the aforementioned elements. Accordingly, independent Claims 1, 9, and 11-13 patentably distinguish the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1, 9, and 11-13.

Dependent Claims 2-8 and 10 are also allowable at least for the reasons above regarding independent Claims 1 and 9, and by virtue of their respective dependencies upon independent Claims 1 and 9. Accordingly, Applicants respectfully request withdrawal of the rejection of dependent Claims 2-8 and 10.

II. Conclusion

In view of the foregoing remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims. The preceding arguments are based only on the arguments in the Office Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Office Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: April 2, 2004

By: 

D. Kent Stier
Reg. No. 50,640
(404) 653-6559